

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

UNITED STATES OF AMERICA

v.

REGINALD BARBER

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1:17-CR-00219-01-ELR-AJB

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**ORDER**

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This matter is before the Court for consideration of Magistrate Judge Alan J. Baverman's Report and Recommendation ("R&R") [Doc. 99] to deny Defendant's motion to suppress evidence and statements [Doc. 44]. In the time period allotted for the parties to object to the R&R, Defendant, by and through counsel, filed objections [Doc 101]. For the following reasons, the Court **ADOPTS** the R&R and **OVERRULES** Defendant's objections.

**I. Standard of Review**

The district court reviewing an R&R "shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). If neither party objects, the district judge need only review the R&R for clear error and "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the

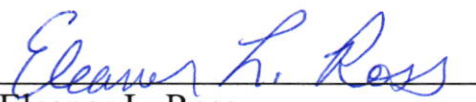
magistrate judge.” Id. A party objecting to an R&R “must specifically identify those findings objected to. Frivolous, conclusive, or general objections need not be considered by the district court.” United States v. Schultz, 565 F.3d 1353, 1361 (11<sup>th</sup> Cir. 2009) (quoting Marsden v. Moore, 847 F.2d 1536, 1548 (11<sup>th</sup> Cir. 1988)) (internal quotation marks omitted.). If there are no specific objections made to factual findings made by the magistrate judge, there is no requirement that those findings be reviewed de novo. Garvey v. Vaughn, 993 F.2d 776, 779 n. 9 (11<sup>th</sup> Cir. 1993). Absent objection, the district court judge “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate [judge],” 28 U.S.C. § 636(b)(1)(C), and may accept the recommendation if it is not clearly erroneous or contrary to the law. Fed. R. Crim. P. 59. In accordance with 28 U.S.C. § 636(b)(1)(C), and Rule 59 of the Federal Rules of Criminal Procedure, the Court has conducted a *de novo* review of those portions of the R&R to which Defendant objects and has reviewed the remainder of the R&R for plain error. See United States v. Slay, 714 F.2d 1093, 1095 (11<sup>th</sup> Cir. 1983).

### **III. Conclusion**

After conducting a *de novo* review of those portions of the R&R to which Defendant objects and reviewing the remainder of the R&R for plain error, this Court finds that the Magistrate Judge’s factual and legal conclusions are correct. Accordingly, the Court **OVERRULES** Defendant’s Objections [Doc. 101]

and **ADOPTS** the R&R [Doc. 99] as the Opinion and Order of this Court. The Court **DENIES** Defendant's motion to suppress evidence and statements [Doc. 44]. Defendant is **directed to announce** to the Court by January 7, 2019, whether he intends to enter a plea or wishes to proceed to trial in this case.

**SO ORDERED**, this 12<sup>th</sup> day of December, 2018.

  
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Eleanor L. Ross  
United States District Judge  
Northern District of Georgia